

Through 42 years of marriage, 35 years of selfless dedication to their parish and community, and 3 wonderful children, David and Ann Cannon have remained the central characters in a wonderful life story. I know I speak for countless others in the Norwich area in wishing that the next chapter in their remarkable life story be one of many rewarding years filled with love and happiness.●

DUTCH AMERICAN HERITAGE DAY

● Mr. KYL. Mr. President, on November 17, 1776 a small American warship, the *Andrew Doria*, sailed into the harbor of the island of Saint Eustatius in the West Indies. Only 4 months before, the United States had declared its independence from Great Britain. The American crew was delighted when the Governor of the island, Johannes de Graaf, ordered that his fort's cannons be fired in a friendly salute. The first ever given by a foreign power to the flag of the United States, it was a risky and courageous act. The British seized the island a few years later. De Graaf's welcoming salute was a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and the Netherlands.

After more than 200 years, the bonds between the United States and the Netherlands remain strong. Our diplomatic ties, in fact, constitute one of the longest unbroken diplomatic relationships with any foreign country.

Fifty years ago, during the second world war, American and Dutch men and women fought side by side to defend the cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and the Netherlands have been tested by time and by the crucible of armed conflict, Dutch American Heritage is even older than our official relationship. It dates back to the early seventeenth century, when the Dutch West India Company founded New Netherland and its main settlements, New Amsterdam and Fort Orange—today known as New York City and Albany.

From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York's Hudson River Valley but also in communities like Holland, Michigan and Pella, Iowa where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—a country that has given the world great artists and celebrated philosophers.

On this occasion, we also remember many celebrated American leaders of Dutch descent. Three presidents, Martin Van Buren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock.

Our Dutch heritage is seen not only in our people but also in our experience as a Nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was among those systems of government that inspired our Nation's Founders as they shaped our Constitution.

In celebration of the long-standing friendship that exists between the United States and the Netherlands, and in recognition of the many contributions that Dutch Americans have made to our country, we observe Dutch American Heritage Day on November 16.

I salute the over eight million Dutch Americans and the sixteen million people of the Netherlands in the celebration of this joyous occasion.●

USE OF SECRET EVIDENCE IN DEPORTATION PROCEEDINGS

● Mr. MOYNIHAN. Mr. President, on November 6, Nat Hentoff devoted his ever insightful column to the Kafka-like use of secret evidence by our Federal government in deportation proceedings. Once again, Mr. Hentoff has highlighted yet another distressing aspect of the 1996 Anti-Terrorism and Effective Death Penalty Act. I ask that Mr. Hentoff's column be printed in the RECORD.

The column follows.

[From the Washington Post, Nov. 6, 1999]

PROSECUTION IN DARKNESS

(By Nat Hentoff)

Around the country, 24 immigrants, most of them Muslim or of Arab descent, are being detained—that is, imprisoned—by the Immigration and Naturalization Service, which intends to deport them.

None of them, nor any of their lawyers, has been allowed to see the evidence against them or to confront their accusers. This denial of fundamental due process is justified on the grounds of national security.

In 1996, the president signed the Anti-Terrorism and Effective Death Penalty Act, which authorized secret evidence. A federal district judge in Newark, N.J., William Walls, has now described this as "government processes initiated and prosecuted in darkness." (The use of secret evidence, however, goes back to the 1950s).

Although many active lawsuits, in various stages, are attacking this use of secret evidence, Judge Walls is the first jurist to flatly declare the use of such evidence unconstitutional.

His decision was in the case of Hany Mahmoud Kiareldeen, a Palestinian who has been in this country for nine years, managed an electronics store in New Jersey and is married to an American citizen.

First arrested for having an expired student visa, he later was accused of meeting in his New Jersey home, a week before the 1993 World Trade Center bombing, with one of the

men convicted in that attack. He also was accused of threatening to kill Attorney General Janet Reno.

The source of this classified evidence is the FBI's Joint Terrorism Task Force. But, as Judge Walls has noted, the INS failed to produce any witnesses—either from the FBI or from the INS—or "original source material" in support of these charges. Therefore no witnesses could be cross-examined at the hearings.

At the hearings, Kiareldeen produced witnesses and other evidence that he was not living in the town where he is supposed to have met with bombing conspirators. And an expert witness, Dr. Laurie Mylerioie, appeared for him. She is described by James Fox, former head of the FBI's New York office, as "one of the world-class experts regarding Islam and the World Trade Center bombing." She testified that no evidence showed that the accused had any connection with that bombing.

The government's evidence, said the judge, failed "to satisfy the constitutional standard of fundamental fairness." The INS—part of the Justice Department—denied Kiareldeen's "due process right to confront his accusers . . . even one person during his extended tour through the INS's administrative procedures."

These due process protections, declared the judge, "must be extended to all persons within the United States, citizens and resident aliens alike. . . . Aliens, once legally admitted into the United States are entitled to the shelter of the Constitution." The judge went even farther. Even if the government's reliance on secret evidence has been provably based on a claim of national security, Judge Walls—quoting from a District of Columbia Court of Appeals decision, *Rafedie v. INS*—asked "whether that government interest is so all-encompassing that it requires that the petitioner be denied virtually every fundamental feature of due process."

In *Rafedie*, Judge David Ginsburg noted in 1989 that the permanent resident alien in That case, in this country for 14 years, was "like Joseph K. in Kafka's 'The Trial' in that he could only prevail if he were able to rebut evidence that he was not permitted to see."

Kiareldeen is now free after 19 months, but Judge Walls's decision that secret evidence is unconstitutional applied only to the state of New Jersey. The INS did not pursue its appeal because it wants to avoid a Supreme Court decision. The INS continues to insist it will keep on using secret evidence.

One of the victims of these prosecutions in darkness still in prison is Nasser Ahmed, who has been in INS detention for 3½ years.

Congress has the power to bring in the sunlight by passing the Secret Evidence Repeal Act of 1999 (H.R. 2121)—introduced in June by Rep. David Bonior (D-Mich.). It would "abolish the use of secret evidence in American courts and reaffirm the Fifth Amendment's guarantee that no person shall be deprived of liberty without due process."

Will a bipartisan congress vote in favor of the Constitution? And then, will the president allow the removal of the secret evidence provisions of his cherished 1996 Anti-Terrorism Act?●

HAPPY BIRTHDAY PERRY, GEORGIA

● Mr. CLELAND. Mr. President, on the eve of its one hundred and seventy-fifth birthday, I rise today to recognize a most charming and prosperous town, Perry, GA. When the first settlers came to the fertile plains of central Georgia, they found a wealth of natural